



Introduction to Indiana Close Up

Indiana Close Up
A Jefferson Meeting on the
Indiana Constitution



Purpose

The purpose of this *Introduction* is to give broad background information about the Indiana Constitution, about how to prepare for and what to expect on Close Up day, as well as descriptions of volunteer and student jobs to be carried out on Close Up day.

Thank you

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Jefferson Meeting

The Jefferson Meeting format requires analysis, critical thinking, public speaking, and cooperative work by participants. The meeting links the Constitution with issues currently in the spotlight and has been called a history lesson with a focus on the present and a civics lesson with historical perspective.

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Chief Justice
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*When I came here today I was a pro, when I
left I was a con.*

*I learned a lot about an issue I'd never
really thought about before*

High school students

*This program is probably one of the best ways I
know to have our students gain interest in state
government and the democratic process.*

A high school teacher

What Is a Jefferson Meeting? by John J. Patrick

Citizenship in the United States involves a deep and abiding commitment to constitutional democracy—popular government limited by the higher law of a Constitution to guard the rights and liberties of individuals. Under our federal system of government, we Americans have commitments to the Constitution of the United States and to a constitution of one of the fifty states. These commitments entail both reverence and reflection, attachment to enduring constitutional principles and critical thinking about issues of constitutional change.

In 1788, James Madison wrote about the importance of public respect, even reverence, for a worthy constitution, “. . . without which perhaps the wisest and freest government would not possess the requisite stability.” Madison’s dearest friend, Thomas Jefferson, preferred to emphasize critical thinking, choice, and change. In 1816, he wrote: “Some men look at constitutions with sanctimonious reverence and deem them . . . too sacred to be touched. They ascribe to the men of the preceding age a wisdom more than human and suppose what they did to be beyond amendment. . . . I am certainly not an advocate for frequent and untried changes in laws and constitutions. . . . But . . . laws and institutions must go hand in hand with the progress of the human mind.”

Background of the Jefferson Meeting

The Jefferson Meeting, a program to promote education about constitutional democracy, was instituted to honor Thomas Jefferson’s belief in citizens’ participation in the formation, operation, and alteration of their government. However, Jefferson shared James Madison’s views about the importance of public attachment to enduring principles of a free government. So the Jefferson Meeting encourages both respect for principles of our constitutional democracy and constructive critical thinking about issues of constitutional change.

The Jefferson Meeting is a mock constitutional convention. Participants are expected to deliberate, discuss, and make choices about proposals to change the Constitution. Unlike a real constitutional convention, which may bring about tangible constitutional changes, the purpose of a Jefferson Meeting is education for responsible citizenship. The Jefferson Meeting on the Constitution was created in 1983 by Charles Bartlett, President of the Jefferson Foundation of Washington, D.C.

The original Jefferson Meeting focused on the Constitution of the United States. The Jefferson Meeting idea is also applicable to any constitution in a democracy. Thus, the Jefferson Meeting concept can be used for programs on any of the constitutions of the fifty state governments of the United States of America.

Constitutional issues are inevitable in a free society, where citizens have the right and responsibility to express views about government and to participate in public life to advance their ideas. Anyone who would be a responsible and effective citizen in the United States must develop knowledge, intellectual capacities, and participation skills needed to cope with constitutional issues. Thus, the Jefferson Meeting on the Indiana Constitution is an exercise in education for responsible and effective citizenship because it provides practice in dealing with significant issues of state government.

Participants in a Jefferson Meeting

- acquire knowledge about their constitutional government that is needed to take intelligent positions on issues and make informed choices about them;
- develop cognitive skills in analysis, synthesis, and evaluation that are needed to identify and clarify issues, ask probing questions about them, evaluate the consequences of alternative proposals, and make rational decisions;
- develop participation skills in communication, persuasion, and compromise that are needed to work effectively in committees and large public forums.

Article 16 of the Constitution of Indiana provides that constitutional amendments can be made only with the consent of a majority of the state's eligible voters. So, Indiana voters have the power and duty to decide about the content of their state Constitution.

This right and responsibility of constitutional choice is consistent with an observation of Alexander Hamilton in the first essay of *The Federalist*:

[I]t seems to have been reserved to the people of this country, by their conduct and example, to decide the important question, whether societies of men are really capable or not of establishing good government from reflection and choice, or whether they are forever destined to depend for their political constitutions on accident and force.

Americans of the eighteenth century showed that they had the requisite inclinations and abilities "to decide the important question" of constitutional choice. Can we Americans moving toward the twenty-first century do as well as they did, or even better, in maintaining and expanding upon the principles of constitutional democracy?

Participants in the Jefferson Meeting on the Indiana Constitution have an educational experience that prepares them to accept and exercise well their challenging right and responsibility of dealing with issues of constitutional choice and change.

Why Have a Jefferson Meeting on the Indiana Constitution?

The Continuing Challenge of Constitutional Choice and Change

What Happens at Indiana Close Up?

Advance Preparation

Three issues of interest related to the Indiana Constitution are selected as the basis for the meeting. Before Close Up day, teachers and students study the three issue essays, discuss the questions that are included, read related materials, and practice some good techniques for discussion and debate. **All students should arrive prepared to discuss all three issues** so that they can participate in any issue committee and contribute to an exciting debate in the plenary sessions.

Participation in an Issue Committee

After an opening speaker, each issue committee focuses on one issue. The goal of this session is to encourage discussion that enables students to form an opinion on the issue—to address the issue statement with concise, coherent reasoning. Students divide into two groups, one pro and one con. Each group lines up its arguments and chooses which speaker will address which point. The resource leaders' and facilitators' roles are to support and enhance the students' experience. To encourage exchange of ideas with students from around the state, a limited number of students from any one school are placed in the same issue group.

Participation in a Plenary Session

After a quick lunch, committees representing each of the three issues come together to form a plenary session. This is the heart of Indiana Close Up in which the students from each issue committee present their conclusions about their particular issue to their peers. Audience participation and discussion are encouraged.



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I learned a lot and I also got the opportunity to speak in front of a relatively large group of people, which I normally wouldn't do. I would definitely recommend the activity to others in the future and tell them to bring good statistics and really be prepared

A high school student

Close Up in the Classroom

Constance Holland, Bloomington High School South, requires her classes:

In advance to

- Read the materials on all three issues and the *Introduction to Indiana Close Up*.
- Collect current news stories that relate to the issues.
- Write a single page summary of each issue.
- Take a stand/position on **each** issue.

To attend Indiana Close Up

As follow Up

- Write a detailed description of all activities that occur at Indiana Close Up.
- Did you change your position on any of the issues after you attended Indiana Close Up?
- Discuss the entire activity as a learning experience.
- Your report must be a minimum of five pages but not more than seven pages.

This type of classroom activity encourages thoughtful preparation, analysis, and evaluation of the Close Up issues and experience.

Many classes invite community leaders as guest speakers in preparation for Close Up day. Students then have the opportunity to hear a number of informed opinions on the issues to be debated.

The internet is becoming a valuable tool in gathering information about the issues.

... I usually find myself to be close minded; however in the situation I was in today, I listened and understood.

... very good issue, strong speakers with many facts and situations to relate to

High school students



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Job Descriptions

Facilitator

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A Facilitator

1. convenes the issue committee and, briefly, describes discussion techniques. (5 minutes)
2. introduces the Resource Leader and participates in the resource leader-led discussion, as needed, in order to “get it started” and encourage student participation.
3. acts as liaison with Indiana Historical Bureau staff to address any difficulties that may come up.
4. works with either the pro or con group to
 - a. answer questions;
 - b. serve as a sounding board for ideas;
 - c. ensure that a floor manager and group recorder have been selected; and
 - d. help the group develop concise points for each speaker with minimum repetition and within the time constraints.
5. reconvenes issue committee as a whole to report pro and con group conclusions.
6. at the conclusion of the issue meeting, collects the floor managers’ lists of pro and con speakers and takes to the staff at the registration desk before lunch.
7. adjourns committee and gets students to their quick lunch on time.

Resource Leader

A Resource Leader

1. presents a review of the issue, including both sides of the question. (about 5 minutes)
2. asks questions of the whole group and encourages discussion that enables students to form a pro or a con stance toward the question. (10-15 minutes)
3. works with either the pro or con group to
 - a. answer questions;
 - b. serve as a sounding board for ideas;
 - c. ensure that a floor manager and group recorder have been selected; and
 - d. help the group develop concise points for each speaker with minimum repetition and within the time constraints.



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A Student Floor Manager

1. leads group discussion within each pro and con group working with facilitator or resource leader.
2. makes sure speakers are selected for the plenary session (volunteers or draw lots), determines their order of speaking, and has recorder write it neatly for plenary leaders.
3. works with facilitator or resource leader to ensure that group speakers have determined points to cover based on group input and within time frame allowed.
4. gives list of speakers to facilitator before lunch.
5. at the plenary session makes sure that speakers are ready with their materials and at the podium to speak on time.

Student Floor Managers (2)

A Student Group Recorder

1. Works with floor manager to record names of speakers and their schools and the order of speaking in the plenary session.
2. Works with floor manager to record highlights of group discussion, to record the points speakers will make in the plenary session, and to provide help to selected speakers.

Student Group Recorders (2)

A Plenary Session Leader

1. Reviews the schedule and procedure of the plenary session with the group.
2. Summarizes procedures for presentations by issue committee speakers.
3. Presides over the session, recognizes speakers on the speaker lists provided by floor managers, and recognizes additional speakers in the audience.
4. Provides closure/summation, for the entire Indiana Close Up day, since the whole group does not have an opportunity to come together again.
5. Dismisses students on time.

Plenary Session Leader

A Plenary Assistant

1. Assists plenary leader as needed.
2. Contacts Indiana Historical Bureau staff regarding any difficulties.

Plenary Assistant

A Plenary Timekeeper

1. Picks up the stop watch and time signage from the Registration Desk after lunch.
2. Sits near the front of the room facing the speakers, so that time notifications are visible to the speaker and the plenary leader.
3. Returns stop watch and time signage to Registration Desk at conclusion of plenary session.

Plenary Timekeeper

1851 Indiana Constitution by David G. Vanderstel

The constitution of 1816 served Indiana well during the earliest years of statehood. However, over the ensuing three decades, Indiana experienced numerous changes which necessitated a revision of the document. The population grew from approximately 64,000 in 1816 to 988,000 by 1850¹; the economy moved beyond pioneer subsistence to a more diverse, specialized system which depended upon mercantile, manufacturing, and agricultural production²; and the society in general became much more complex. Consequently, Hoosiers recognized that they needed to rewrite their constitution in order to address the problems and issues that had emerged during these early years and to prepare the state for the years to come.

Since the original state constitution was the product of a concern for popular democratic government, it provided the means by which the citizens of Indiana could amend or alter their governing document in later years. Article 8 stated that “every twelfth year, . . . at the general election held for Governor there shall be a poll opened, in which the qualified Electors of the State shall express, by vote, whether they are in favour of calling a convention, or not.”³

Between the years 1820 and 1847, Hoosiers attempted fifteen times to call a convention for the purpose of revising their constitution; they were successful five times in bringing the matter to a referendum vote. It was not until 1848, however, that Governor James Whitcomb, members of the General Assembly, and Indiana voters in general united in a call for a constitutional convention.⁴

It was a fairly long and detailed process from Governor Whitcomb’s call in December, 1848 for a convention to the actual convening of the delegates in October, 1850. Once the Indiana General Assembly and the governor approved the legislation in January, 1849 to call a convention, they presented the issue to the voters of Indiana during the statewide elections of August, 1849.

Of the 138,918 votes cast in the election, 81,500 favored a convention; 57,418 were opposed to the measure. Consequently, the General Assembly was bound to provide for the election of delegates to the planned constitutional convention. This legislation, passed by the Assembly in January, 1850 and subsequently approved by Governor Joseph Wright, called for the election of convention delegates on the first Monday in August, 1850.⁵

Indiana voters selected 150 delegates to the constitutional convention of 1850-1851; 95 were Democrats and 55 were Whigs. Of these representatives, 42 percent were farmers, 25 percent were lawyers, and 12 percent were physicians. Only thirteen of the 150 delegates were native-born Hoosiers, while one half were Southern-born. Seventy-nine of the men had had previous experience as lawmakers.⁶

These delegates assembled in the Hall of the House of Representatives in Indianapolis on 7 October 1850. They deliberated for 127 days before completing their work and adjourning on 10 February 1851.⁷

The constitution that emanated from those four months of deliberations was not a radical revision of the original document nor did it significantly alter the existing form of state government. Rather, the proposed draft addressed numerous concerns and problems that had emerged during the formative years of the state:

1. The delegates adopted biennial sessions of sixty-one days for the General Assembly and limited special sessions to forty days. This was intended to reduce the costs of state government and to encourage concentrated legislative efforts by the Assembly, thereby preventing the elected representatives from doing mischief and becoming involved in unnecessary and questionable “special interest” and local legislation.⁸

2. The new constitution prohibited the General Assembly from incurring any debt except “to meet casual deficits in the revenue, to pay the interest on the [present] State debt; to repel invasion [or to] suppress insurrection.”⁹ This provision was necessary to remedy the serious financial failures brought about by canal and road development under the Mammoth Internal Improvements Act of 1836.¹⁰

3. The constitution encouraged a stronger commitment to a uniform system of common schools supported by taxes and other state funds.¹¹ This was a remedy for the state’s failure to address and act upon the educational system proposed by the constitution of 1816. It also served as a detailed response to those who saw the common school system as essential to the education of the citizenry and the preservation of democracy in the years to come.¹²

4. The constitution increased the number of elected officers in the state to include judges, treasurer, auditor, and secretary of state.¹³

5. The constitution extended the right to vote to foreign immigrants if they stated their intention to become citizens of the United States and had resided in the country for one year and in Indiana for six months. However, the right of suffrage continued to be denied to women and blacks.¹⁴

6. The constitution legitimized a special form of racism in Article 13 which stated “No negro or mulatto shall come into or settle in the State, after the adoption of this Constitution.”¹⁵ This act reflected a growing antipathy of Hoosiers toward blacks due to increased tensions over the issue of slavery and the fear of racial intermixing. It also demonstrated the strength of the exclusion and colonization movements, which sought to remove blacks to Africa.¹⁶

The Indiana electorate was able to consider the entire constitution *except* for the special provision relating to the exclusion of blacks from the state, which appeared as a special proposition on the ballot. In the election of 4 August 1851, Hoosier voters overwhelmingly approved the new constitution, 113,230 to 27,638.

At the same time, voters approved the exclusion of blacks from the state by a vote of 113,828 to 21,873, thereby indicating the strong antiblack sentiment that pervaded the state and the nation at midcentury.¹⁷ On 3 September 1851 Governor Wright issued a proclamation declaring the new state constitution to be in effect as of 1 November 1851.¹⁸

Historian Logan Esarey concluded that the 1851 constitution “suffers in comparison with the one it displaced.”¹⁹ Yet, it was a new and improved document, revised and updated to meet the challenges of a rapidly changing society. It was dedicated to the preservation of popular democratic government—at least for adult white males—and the overall rights of citizens, as exemplified by an expanded bill of rights in Article 1. While Hoosier citizens and legislators continuously sought over the years to amend the constitution of 1851 (per the provisions contained in Article 16) and to adapt it to the specific needs of each respective age, the basic constitutional document has remained intact. It is the cornerstone of Indiana’s government and society, serving as a symbol of political continuity, tradition, and popular democratic government in the modern age.

Notes

¹ James H. Madison, *The Indiana Way: A State History* (Bloomington and Indianapolis: Indiana University Press and Indiana Historical Society, 1986), Appendix A, 325-26.

² Madison, 74-97.

³ Charles Kettleborough, *Constitution Making in Indiana*, 3 vols. (Indianapolis: Indiana Historical Commission, 1916, 1930; reprint ed., Indianapolis: Indiana Historical Bureau, 1971), 1:111.

⁴ Kettleborough, 1:xxxiii-lxxii.

⁵ Kettleborough, 1:lxxii-lxxxiii.

⁶ Madison, 139; Justin E. Walsh, *The Centennial History of the Indiana General Assembly, 1816-1978* (Indianapolis: Indiana Historical Bureau, 1987), 178.

⁷ Kettleborough, 1:lxxxix.

⁸ Article 4, section 29. See also Kettleborough, 1:314, 322.

⁹ Article 10, section 4. See also Kettleborough, 1:352.

¹⁰ Donald F. Carmony, “Historical Background of the Restrictions Against State Debt in the Indiana Constitution of 1851,” *Indiana Magazine of History*, 47 (June 1951):129-42; Madison, 82-86; Walsh, 31-40.

¹¹ Article 8. See also Kettleborough, 1:346-49.

¹⁹ Logan Esarey, *A History of Indiana from Its Exploration to 1850* (Fort Wayne, 1924), 519.

Detail from a broadside that lists members of the 1850 Constitutional Convention.
Indiana Division, Indiana State Library.

References and Resources

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- Walsh, Justin E. *The Centennial History of the Indiana General Assembly, 1816-1978*. Indianapolis: Indiana Historical Bureau, 1987.
- *West's Indiana Code*. With cumulative annual pocket parts. St. Paul, MN: West Publishing Co.

Audio-Visual Materials

- *A Guide to the Study of the Indiana State General Assembly*—a video and guide providing important data on the state legislative function. May be borrowed at no cost from Shared Information Services at four locations in Indiana: Ball State University, 800-322-1248; Purdue University, 800-347-2948; IUPUI, 800-942-4072; or Wilson Education Center, Jeffersonville, 800-326-5467.

Internet Resources

- Close Up Foundation <http://www.closeup.org>
- Indiana Judiciary <http://www.ai.org/judiciary/welcome.html>
- Indiana State Archives <http://www.ai.org/icpr/index.html>

The Bill of Rights by Randall T. Shepard

The legendary debate over whether there should be a Bill of Rights in the Constitution of the United States echoes more than two centuries later in the modern discussions about the role of courts, federalism, and state constitutions.

At its most straightforward level, the eighteenth century debate focused on the nature of the national government which the constitution of 1787 intended to provide. Most of those who participated in drafting the document which created the government now located in Washington anticipated that it would be a relatively modest operation, so modest that it was unlikely its functions could impede individual liberty in any significant way.

That idea being widely accepted, those who opposed a Bill of Rights saw in the proposal the possibility that attempting to write down the rights of the people would in fact be harmful. They feared that individual liberties omitted from the list would be assumed not to exist.

Moreover, the constitutions of the several states all contained guarantees for their citizens. Starting with the example set by Virginia, early American states included a Bill of Rights in their own charters. Surely in a world where most government was state government, people thought, that was a sufficient protection.

In any event, the federal Bill of Rights became a necessary element of the campaign to ratify the constitution of 1787. From that date through the end of the nineteenth century, however, it played a relatively modest role, just as the national government continued to be a relatively small operation.

In the twentieth century the federal Bill of Rights has undergone several cycles. At the beginning of the century, most litigation on individual liberties was based in state constitutions. From the New Deal through the Supreme Court of Earl Warren, however, it became a weapon wielded far and wide to cause fundamental change in American life. Finally, beginning about 1980, use of the federal Bill of Rights seemed to peak, and the role of those Bills of Rights in state constitutions once again became prominent.

In modern America, government both state and federal has become so omnipresent that the doctrine of a “government of limited powers” no longer has much meaning. As this doctrine has waned the role of federal and state Bills of Rights in protecting Americans from government overreaching has become ever more critical.

I hope that you will acquire a deeper appreciation of the Indiana Bill of Rights and the federal Bill of Rights through your participation in this Close Up program.



Indiana Historical Bureau.

Chief Justice Shepard.

One thing I really got from this experience was how to use the Internet to get information. It took a couple of hours, but I got some really good articles with good information. This was especially the case with court cases, since I was able to get articles summarizing the facts of the case and all of the decisions and justifications from the lower courts to the Supreme Court.

A high school student

Ordinance

Be it ordained by the Representatives of the people of the Territory of Indiana, in convention met at Corydon, on Monday the tenth day of June, in the year of our Lord eighteen hundred and sixteen; that we do for ourselves and our posterity, agree, determine, declare and Ordain; that we will, and do hereby accept the propositions of the Congress of the United States, as made and contained in their act of the nineteenth day of April eighteen hundred and sixteen, Entitled an act to enable the people of the Indiana Territory to form a State Government, and Constitution, and for the admission of such state into the Union, on an equal footing with the original States.

*The beginning of the Ordinance of 1816 adopted by the Indiana Constitutional Convention as part of the statehood process. Information and the restored 1816 Constitution appear on the Indiana State Archives web site at <http://www.ai.org/icpr/index.html>.
Indiana State Archives.*